PLACER COUNTY 2004 LEGISLATIVE/REGULATORY PLATFORM



Prepared by the County Executive Office

Approved by the Board of Supervisors December 2, 2003

PLACER COUNTY 2004 LEGISLATIVE/REGULATORY PLATFORM Part One

General Principles

The primary goal of the County's elected representatives and its employees is to serve and support the social, economic, health, safety and well being of its citizens. To this end, in 2004, the Placer County Board of Supervisors supports the following general principles. County staff, including the County's legislative advocates, will apply these general principles to evaluate legislation and other proposals, and make recommendations to the Board of Supervisors.

- 1. Encourage and seek legislation that facilitates orderly economic expansion and growth, and increases the opportunity for discretionary revenues and programmatic and financial flexibility for the County.
- **2.** Support legislation to assure Placer County's authority to govern itself and oppose legislation that will hinder or limit the County's self-rule authority.
- **3.** Support efforts, including administrative changes, to implement a state/local fiscal reform plan to insure revenues for the delivery of local programs and services while opposing restructuring proposals that would reduce the stability of current County revenue sources.
- **4.** Support the County's authority to assure mutually acceptable tax sharing agreements for annexation, incorporation and redevelopment that protect or enhance the County's ability to provide services to its constituents.
- **5.** Support legislation that provides tax and funding formulas for the equitable distribution of state and federal monies while opposing attempts to decrease, restrict or eliminate County revenue sources.
- **6.** Support increased state and federal appropriations for County mandated programs, including capital acquisition costs.
- **7.** Oppose state or federal mandates, and the transfer of state or federal programs to the County, unless adequate on-going revenues are provided.
- **8.** Continue to encourage local agencies and governments to cooperate for the betterment of the community and encourage, and expand, voluntary regional solutions to regional problems.
- **9.** Seek cooperation with state and federal governments on regulatory and administrative issues affecting the County, including those related to health care, public safety, the environment and transportation, to ensure the protection and well-being of its citizens.
- **10.** Encourage and seek legislation that protects the County's quality of life, its diverse natural resources, and preserves the essence and history of the County.

PLACER COUNTY 2004 LEGISLATIVE/REGULATORY PLATFORM Part Two State Proposals

Agricultural Commissioner

Proposal: Watershed Funding for Nonpoint Source Pollution Monitoring for Agricultural Discharges

State funding should be appropriated to develop a science-based water quality-monitoring program based upon a watershed approach. The overall water quality within a watershed is directly related to the activities of all parties within the watershed, not farmers and ranchers exclusively.

Problem: The State's Regional Quality Control Board has eliminated the exemption for agricultural discharges and is requiring farmers and ranchers to file for individual discharge permits or be included under the permit of a watershed group.

Proposal: Continuation of Pesticide and Pest Control Programs

Continuation of fees for the Agricultural Commissioner's work in pesticide regulatory activities is a continuing major legislative effort and needs to be supported.

Problem: Even though the Legislature passed a 5-year extension of the pesticide mill fee there are other fees pending for the maintenance of specific pest programs, such as the Red Imported Fire Ant.

Child Support Services

Proposal: Federal Automation Penalties

Support legislation that relieves counties of the fiscal responsibility for federal automation penalties imposed on the State for failure to comply with the federal requirements of the 1988 Family Support Act.

Problem: Counties are not responsible for the State's failure to implement a single, statewide-automated child support collection system (by Oct. 1, 1997) as required in the federal guidelines of the 1988 Family Support Act. Monetary penalties imposed by the federal government will continue until California is in full compliance. The State is requiring counties to fund these penalties with county general fund dollars, not funds from the child support program. Placer County's share of the statewide penalties for FY 03-04 exceeds \$450,000.

County Clerk-Recorder-Registrar

Proposal: Electronic Recording

Support legislation that allows for the electronic filing of documents.

Problem: The counties of Orange and San Bernardino are currently authorized to accept such filings. However, current law does not authorize Placer County to accept the electronic submission of an original, recordable document.

County Counsel

Proposal: Revise State Board of Equalization Public Meeting Practices

Support legislation requiring the State Board of Equalization (BOE) to publicly disclose items set for discussion and decision in such detail as to allow participation, and to provide reasonable deadlines for written input. Provide standing for counties and County Assessors at the BOE and in related legal proceedings.

Problem: The current practices of the State BOE include agenda listings and public notice requirements that do not provide either enough information or enough time for interested parties, such as counties, to know when to respond – or because of unreasonable response periods. The BOE has denied standing to counties and County Assessors in its proceedings.

County Executive Office

Proposal: Placer County's Housing Needs

Support incentive-based legislation that meets Placer County's housing needs: recognizing the unique characteristics of the region, and providing for local land use control and flexibility. **Problem:** In 2003, the Placer County BOS opposed legislation (AB 1426 – Steinberg) that would mandate affordable housing requirements in the greater Sacramento region. Assemblyman Steinberg plans to continue pursuing this unfunded mandate in the 2004 Legislature. As currently amended, this bill is an intrusion by the State into local land use control and poses significant risk in both fiscal and local land use management areas.

Proposal: Maintain Vehicle License Fees (VLF) to Counties

Ensure that counties are fully protected from the loss of any revenues that will occur if the VLF is reduced without a commensurate backfill.

Problem: During the recall campaign, Governor Schwarzenegger indicated that he would reverse the recent VLF "trigger" that returned VLF to its 1998 level. Counties are dependent on revenues from VLF as a funding source for critical local programs and services such as health and human services, law enforcement, road maintenance and library services.

Proposal: Community Development/Rural Housing Assistance

Seek to amend state statutes related to allocation of Community Development Block Grants (CDBG) and rural housing programs to reflect the unique characteristics in Placer County. Initiate action with relevant state agencies, as well the Tahoe Regional Planning Agency (TRPA), to ease restrictions that hinder efforts to meet the demands for employee housing and affordable housing goals, in general.

Problem: Various state and federal statutes and implementation policies inhibit the ability of Placer County to maximize the use of monies designated to expand affordable housing in rural areas due to the unique circumstances that exist in Lake Tahoe, by virtue of it being a bi-state, multi-jurisdictional resort area. These statutes and policies relative to implementation of CDBG, Rural Housing monies, as well as application of state prevailing wage laws and TRPA policies create obstacles to providing employee and other affordable housing in Placer County, particularly in the Tahoe area.

County Executive Office (con't)

Proposal: Hydroelectric and Energy Projects

Support legislation to protect Placer County's property tax, land use and water interests as PG&E restructures in the wake of deregulation and bankruptcy.

Problem: PG&E has proposed a massive restructuring of its assets and liabilities as part of its bankruptcy proceedings. Placer County has an interest in the outcome since the future of PG&E's land holdings, electricity production contracts and actual liabilities could impact the County.

Proposal: Workers' Compensation Reform

Support Workers' Compensation Reform legislation that:

- 1) Requires a pre-injury wage for inmates to be eligible for temporary disability under the State Workers' Compensation labor code;
- 2) Expands the current Workers' Compensation fee schedule to include out-patient surgical centers and all pharmaceuticals that are prescribed as a result of a work related injury;
- 3) Amend the current criteria for permanent disability benefits to ensure that subjective complaints are no longer ratable and ratable objective complaints follow guidelines established by the American Medical Association.

Problem: As a result of new legislation, that goes into effect January 1, 2003, inmates that are on work release, work furlough, minimum security and trustees as well as volunteers, jurors, and community service workers who are not paid by the County and did not have paid employment prior to an injury will now be entitled to the minimum temporary disability rate of \$126.00 per week. Additionally, the current labor code requires employers to pay 100% of all medical expenses associated with a work-related injury. The only offset to employers is the State mandated fee schedule. Currently, not all prescriptions are subject to fee schedule reductions. Lastly, physicians are currently required by the labor code to consider subjective complaints when determining levels of permanent disability. This encourages fraud and, unnecessarily, increases permanent disability.

Facilities

Proposal: Design/Build Concept for County Buildings

Support legislation to add Placer County as a county eligible to use the design/build concept for county buildings.

Problem: Several counties now have the authority to use the design/build concept. This authority should be extended to Placer County to provide for potential cost savings and reduced time for county construction projects.

Proposal: Collection of Fees

Amend current statutes to allow the collection of delinquent garbage and utility bills on the property tax statements.

Problem: A few years ago, the Second District Court of Appeals issued an opinion finding an ordinance authorizing liens for delinquent utility bills to be unconstitutional. While liens may not be possible, a statute could authorize the collection of current and delinquent charges as part of the property tax bill.

Health & Human Services

Proposal: Extend or Delete the Sunset Requirement for AB 1741 Youth Pilot Projects

AB 1741, passed in 1993, allows for selected counties to apply for waivers of state statute and regulations in order to provide improvements to services for children and families. These improvements include the development of comprehensive and integrated service models and flexibility in multiple categories of funding. This legislation may also be useful in pursuit of child welfare services redesign efforts as required by the Child Welfare System Improvement and Accountability Act of 2001.

Problem: This legislation expires in 2003. Placer County maintains several state waivers that need to remain in place to support HHS and CSOC comprehensive and integrated service efforts. Lack of waiver authority would result in increased workload and potential reversion to categorical requirements.

Proposal: Increased Funding for Domestic Violence Programs

Support increased funding for domestic violence programs and the establishment, by the Legislature and Governor, of a Domestic Violence Task Force. The Task Force would work in conjunction with state domestic violence associations to review and recommend the level of funding associated with the legislative objectives.

Problem: Domestic violence programs are an integral part of County mental health and social service systems. These programs provide a variety of services that include emergency shelters for women and their children, crisis counseling, on-going counseling, advocacy, legal assistance, supervised visitation services and other family support functions. The State Department of Health Services and the Office of Criminal Justice Planning (OCJP) provide funding and administrative oversight. The OCJP is closing on January 1, 2004 due to state budget constraints. It is not known to which departments OCJP programs may be transferred. Local programs also receive a portion of the fees associated with marriage licenses, apply to numerous other foundations and government agencies for available grants, and sponsor significant fund raising events. Overall, funding for these programs are both inadequate and unstable.

Proposal: Clarify the County's Responsibility for "Murphy Conservatees"

Propose legislation to clarify the distinction between developmentally disabled and the mentally ill.

Problem: Presently, the County is responsible for the care of the mentally ill and the State is responsible for the developmentally disabled. However, when one of these persons commits a crime, the court makes no distinction between the two. Therefore, the County often becomes liable for those who are actually developmentally disabled, not mentally ill.

Proposal: Workload Relief and System Redesign Funding for Child Welfare Services

Request that the Legislature and Governor fund the Child Welfare Services system in accordance with the findings of the Senate Bill 2030 Workload Study and the Child Welfare System Improvement Act of 2001. The increased funding should remain as flexible as possible in order to meet the wide range of needs experienced by various counties.

Problem: As of January 2004, counties will be required to implement program/system redesign and improvements to meet federal and state requirements. The Child Welfare Services system continues to be under funded. This lack of funding further exacerbates the problem of high caseloads and workloads of County Child Welfare Services' program staff.

Health & Human Services (con't)

Proposal: Medi-Cal Reform

Support Medi-Cal Reform as part of a statewide effort. Reform should include the following strategies:

- a. Increasing reimbursement rates for primary care and dental care providers;
- b. Expansion and simplification of Healthy Families coverage;
- c. Increased coverage for mental health and substance abuse Medi-Cal benefits;
- d. Support for California's request for Targeted Case Management coverage for home visitation by Family Resource Centers and Public Health Nurses.

Problem: There are over 50 sub-programs administered within Medi-Cal; regulations are complicated and prohibitive. Reimbursement rates to providers are inadequate, which serve as disincentives to participation in the program. The Medi-Cal benefits for mental health and substance abuse are also extremely inadequate.

Proposal: Realignment Funding (Vehicle License Fees & State Sales Tax Revenue)

The existing realignment funding (VLF and state sales tax revenue) structure is inadequate and should be adjusted to allow for realistic increases in program costs. At a minimum, existing realignment revenue must be maintained and counties should be held harmless in their provision of required and necessary services.

Problem: The realignment funding structure, created approximately 10 years ago, provided a growth fund for a variety of county programs. This funding mechanism has become inadequate in Placer County. Implementation of the In-Home Supportive Services (IHSS) Public Authority and the potential increases in the IHSS provider wages exacerbates this problem. Further, the Governor has eliminated the VLF increase.

Proposal: Expansion of the County's Psychiatric Health Facility (PHF)

Modify existing law to allow a PHF to have more than 16 beds to accommodate the increased demand for this service in the county.

Problem: The PHF is allowed to bill Medi-Cal. The capacity of the County's 16-bed PHF is not sufficient, however, an expanded program requires separate certification and does not address an economy of scale. Private hospital beds are currently required to treat the overflow of those who are a danger to themselves, a danger to others, or gravely disabled due to a mental disorder.

Proposal: Increase Foster Care Replacement Rates to Include Outpatient Services

Include outpatient services costs in the Rate Classification Level (RCL) amount set by the State.

Problem: Foster Care placement costs are shared (50%-Federal; 35%-State; and 15%-County). Rates are set by the State and include placement (room/board) only. Statewide, outpatient services have become a mandatory component of group home placements. These costs should be included in the RCL amount.

Personnel

Proposal: Contracting Agency Contribution Requirements

Allow public agencies to maintain local control to contract with their bargaining groups for their employees and their retirees, regarding premium contribution formulas. Allow employers to construct a tiered system that could apply to both current employees as well as future employees. **Problem:** Current law limits public agencies that contract with CalPERS for health insurance under the Public Employees Medical Care and Hospital Act (PEMCHA), to a limited number of options to pay for the retiree premium contribution. Depending upon the option chosen to pay for the retiree insurance, this can cause an economic hardship to the agency providing benefits and/or creates a two-tier system for employee/retiree benefits. Current law limits the options to a local agency

Planning

Proposal: Funding and Support to Preserve and Expand Agricultural Lands and Open Space, Restore Wetlands and further Watershed Protection Efforts

Support legislation that advances the objectives of the *Placer Legacy* program to protect open space in the County and to sustain agriculture as a key industry.

Problem: The pressures of urban development have an effect on the amount of land dedicated to open space and agriculture. With an increase in urbanization, more agricultural lands will be lost resulting in a decrease in biological diversity, agricultural production, scenic landscapes, outdoor recreational opportunities, and the general open character of the County's landscape. To counterbalance these impacts, the *Placer Legacy* program was established as a proactive, long range, comprehensive strategy for protecting open space and agricultural lands in the County in order to enhance the quality of life and sustain agriculture as a key industry.

Public Safety

Proposal: Restore Funding of Law Enforcement/Juvenile Justice Programs

Support legislation that restores funding of the Rural and Small County Law Enforcement grant, Standards in Training for Corrections (STC) and the Mentally Ill Offender Crime Reduction grant (MIOCR). Restore funding to FY2002-03 level for the Community Oriented Policing Services (COPS), Juvenile Justice Crime Prevention (JJCPA) and Vertical Prosecution grants. **Problem:** The 2003-2004 State budget eliminated \$500,000 to the Sheriff's Department for the Rural and Small County Law Enforcement grant, \$110,000 to the Sheriff and Probation departments for officer training and \$500,000 for treating mentally ill offenders in the jail. In addition, the State budget included a reduction in funding for the COPS, juvenile justice crime prevention and vertical prosecution programs.

Proposal: Reprioritize Reimbursement of Probation Costs to a Higher Priority

Support legislation to amend AB 3000 to reprioritize the reimbursement of probation costs by offenders to a higher priority.

Problem: AB 3000, passed in 2002, established a priority order for payments made by defendants relative to their criminal case. The first three priorities are payment of:

- 1) Restitution to the victim
- 2) 20% state surcharge to fund trial courts
- 3) Fines and penalty assessments

The last priority is payment of other reimbursable costs, which include probation costs.

PLACER COUNTY 2004 LEGISLATIVE/REGULATORY PLATFORM Part Three Federal Proposals

<u>Proposal: Additional Funding for a Subregional Wastewater Treatment and Water Reclamation Facility</u>

Problem: Currently, seven wastewater agencies serve Placer County. These agencies indicate that the population they serve will increase substantially over the next 15 years. Each existing facility faces: 1) Major expansion needs; 2) Increasing stringent federal pollutant permit conditions; and 3) Cost constraints (both capital and operation & maintenance). The regional design will accommodate projected growth well into the future and provide significant environmental benefits to receiving waters throughout the region, including the Bay-Delta ecosystem.

<u>Proposal: Funding and Support to Preserve and Expand Agricultural Lands and Open</u> Space, Restore Wetlands and further Watershed Protection Efforts

Problem: Placer County continues to be one of the fastest growing counties in California. The pressures of urban development have an effect on the amount of land dedicated to open space and agriculture production. With an increase in urbanization, more open space and agricultural land will be lost resulting in a decrease in biological diversity, agricultural production, scenic landscapes, outdoor recreational opportunities, and the general open character of the county's landscape. To counterbalance these impacts, the *Placer Legacy* program was established in 2000 as a proactive, long range, comprehensive strategy for protecting open space and agricultural lands in the County. Federal assistance would be used to continue development of a data base of resource information including field surveys, integration of field data and remote sensing data into a computer-based geographic information system (GIS) to be used by federal, state, and local entities. Federal assistance would also be used to expand public outreach and education; complete land acquisitions and easements from willing sellers; and develop a clearinghouse of local land use and natural resources data for use by a wide range of public and private sector stakeholders.

Proposal: Continued Funding for Law Enforcement Technology and Telecommunication Needs

Problem: Communications equipment used by law enforcement and other public safety officials in the County is outdated and not as effective as needed and becoming increasingly difficult and costly to maintain. Assistance is needed to upgrade and improve countywide and regional computer and radio networks, including interface and compatibility with mobile data units, to expand areas of coverage, and to relocate the radio room from a World War II era unreinforced masonry structure to a secure, reinforced building. Increased interoperability and interconnectivity is becoming increasingly critical for Law Enforcement, as a tool to be more prepared and responsive in meeting the public safety needs of the County.

Proposal: Continued Funding for a Children's Health Center/Emergency Shelter

Problem: A Children's Health Center/Emergency Shelter is needed in the County for children who are removed from their families for protection from abuse or neglect, or who have failed other placements ranging from foster care to intensive high-level group homes. It would also include a mental health/behavioral health housing area. Funding is needed to develop and build a health center/shelter that provides, in addition to emergency shelter care, on-site medical facilities to conduct primary health screenings and examinations for the emergency shelter population as well as selected minor cases that require more sensitive handling. Additionally, a multi-disciplinary interview center and a supervised visitation/parent education center are envisioned.

Proposal: Transportation Planning

Problem: The County's exponential growth in recent years makes the need for road funding critical. The I-80 corridor, the primary freight travel route, is also the primary connection between populous urban areas in Sacramento and the Bay Area to Lake Tahoe and Reno. The section from the Sacramento County line to Hwy 65 is growing in congestion, delays and accidents due to increased usage by local, regional and interstate traffic. Caltrans and Sacramento County are completing construction of the Sacramento/Placer I-80 Capacity Enhancement Project to improve highway capacity and traffic flow on I-80 by adding High Occupancy Vehicle (HOV) lanes and auxiliary lanes. The project extends to the Placer County line but should be extended further to increase freeway capacity in Placer County. Caltrans strongly supports the project and funding is in place for environmental and design activities. Funding has not yet been secured for construction. It is recommended that this I-80 project be the central focus of the County's bid for Demonstration Funds in conjunction with the Reauthorization of TEA -21.

Problem: Auburn-Folsom Road Widening

Due to regional growth in the counties of Placer, Sacramento and El Dorado, the current traffic volumes are exceeding the capacity of Auburn-Folsom Road in Placer County. As a component of the original Folsom Dam project (owned and controlled by the federal government), Auburn-Folsom Road was designed as a two-lane rural route. Today, it serves as a major arterial route connecting the cities of Auburn, Folsom, Roseville and Rocklin. This section of Auburn-Folsom Road is adjacent to United States Bureau of Reclamation (USBR) land and will also be adjacent to the future Folsom Dam Bridge project, which will increase traffic demands on the road. Additional funding for the Auburn-Folsom Road Widening Project is needed to construct the proposed improvements to meet regional growth demands. There is a need for the requested federal funding to be processed through the USBR because the Bureau is the federal lead agency for the project.

Problem: Foresthill Bridge Paint and Seismic Analysis

The U.S. Bureau of Reclamation (USBR) built the Foresthill Bridge from 1969 to 1973 as mitigation for the proposed Auburn Dam and relinquished ownership to Placer County. The bridge is built on federal land and has regional significance. In addition, the Foresthill Bridge serves the U.S. Forest Service's Foresthill Ranger District and their Forest Highway System. The bridge needs to be repainted to protect the steel. Additionally, it has been placed in the mandatory seismic retrofit program, by the State, due to its seismic vulnerability and close proximity to an earthquake fault. Caltrans has revoked the state matching funds for the Foresthill

Bridge painting and seismic retrofit projects funded by the Federal Highway Bridge Replacement and Rehabilitation Grant Program.

Problem: Walerga Road Bridge

Walerga Road Bridge is at an elevation that results in regular flooding which, in turn, causes road closures. The route is an important regional facility, therefore, closures have effects on emergency response and disruption to traffic patterns. In addition, the two-lane facility is in need of widening to four lanes. A Federal Transportation and Community and Systems Preservation (TCSP) Grant was received to begin the planning and environmental studies necessary to design and upgrade the facility. This work is in progress. A future funding request for FFY 2006 will be forthcoming in the next cycle to continue work on this important regional facility. At that time, a refined project description will have been developed that recognizes environmental constraints and community needs.

Proposal: Funding for the Capitol-to-Capitol Regional Trail System

Problem: Public access to the Sierra Nevada Mountains is very limited due to a lack of adequate connecting trails and the ruggedness of the terrain. Working with a myriad of public agencies and citizen groups, Placer County has taken a leadership role in completing and linking a 100-mile long trail from Sacramento to Lake Tahoe, primarily along the North Fork of the American River. From Lake Tahoe, the trail will continue to Carson City, Nevada, creating the Capitol-to-Capitol regional trail system. The trail would be accessible to hikers, equestrians and mountain bikers of average ability while being sensitive to the natural environment. Federal funding would be used for land purchase, trail construction and related measures.

Proposal: Funding for a Lake Tahoe Basin Bi-State Emergency Management System

Problem: As an internationally known tourist destination of spectacular proportions, the Lake Tahoe Basin has a fragile infrastructure and limited emergency management resources to effectively manage large-scale emergencies, major disasters or acts of terrorism. The Tahoe Basin is at significant year-round risk from both natural and technological disasters due to its isolation and difficult terrain. Current emergency infrastructure and coordination is hampered by the lack of a centralized facility shared by the cooperating jurisdictions that can serve as a central command for emergency activity in the region. Design and construction of such a facility and increased coordination of the local, state, and federal governments are critical to protecting the population and preserving natural resources during disasters. Federal funding will be sought for the construction of a regional emergency response facility and additional resources required rendering the facility operational.

Proposal: Funding for Hazardous Materials Clean Up at DeWitt Center

Problem: The DeWitt Center was constructed in 1943 as a military hospital during World War II. Construction practices at that time included the use of materials such as asbestos and lead paint, and utilized underground tanks for heating and fuel oil. The DeWitt property is now owned by the County and has served as a critical resource for County agencies for many years. The property's redevelopment potential to house government, commercial, and light industrial activity is promising. However, extensive renovation activity, including hazardous material cleanup of asbestos and lead paint, would be required before successful redevelopment could be undertaken. Federal assistance would initially be used to abate and or remediate, in accordance with applicable federal and state requirements, the hazardous materials currently on site.

Proposal: Increase Advocacy Efforts Related to Community Development/ Rural Housing

Seek to amend federal statutes related to allocation of Community Development Block Grants (CDBG) and rural housing programs to reflect the unique characteristics in Placer County. Initiate action, with relevant federal agencies, to ease restrictions hindering efforts to meet the demands for employee housing and affordable housing goals, in general.

Problem: Various federal and state statutes and implementation policies, inhibit the ability of Placer County to maximize the use of monies designated to expand affordable housing in rural areas due to the unique circumstances that exist in Lake Tahoe, by virtue of it being a bi-state, multi-jurisdictional resort area. These statutes and policies relative to implementation of CDBG, Rural Housing monies create obstacles to providing employee and other affordable housing in Placer County, particularly in the Tahoe area.